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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,420	10/22/2003	Ming Shyan Yong	2060-02200	6174

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EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/691,420		YONG ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Daniel C. Crane		3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 27, 30, 32-34 and 36-42 is/are rejected.
- 7) ☒ Claim(s) 13-26, 28, 29, 31, 35 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 32-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Failure to provide antecedence for "first direction" in claim 32 renders the subject matter of the claims indefinite.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 1-3, 8-12 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole (1,889,823). See Figure II where the first member 11 is provided with a deforming end at the center of the first member and a deforming end at the periphery of the first member. Similarly, a second member 12 is provided with like deforming portions. Thinning of the material is caused by the variation in gap between the first and second members such that the material B is deformed in the first direction. Since the material B is compressed within the variable spaced gap between the first and second deforming portions with the outer periphery of the opposed portions of the first and second deforming portions producing a thickened annular formation in the material, this annular formation "is curved in a plane substantially perpendicular to the first direction", As to claim 11, see Figure V.

Claims 1-12, 27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Langford (1,659,776). See Figure 6 where the material 27 is formed with a curve and the

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material is caused to move in a first direction, as evidenced by the arrows, for example. Because of the variation in gap between the first member 28 and second member 29, portions of the first member are closer at one end of the first member to the second member than other portions of the first member to the second member. With respect to the claimed feature where the deformable material is “curved in a plane substantially perpendicular to the first direction”, this feature is shown by Langford. Note that the first and second portions 28 and 29, respectively, have a curve that extends into the plane of the drawing (Figure). Accordingly, the curved, which is elongated into the plane of Figure 6, as viewed, is “curved in a plane” that extends perpendicular to the “first direction”, which direction can be defined by the horizontal arrows shown in Figure 6. As to claim 6, the first member is die 29 and the second member is die 28. See Figure 4 for a showing of how the first and second members are fixed and removably mounted within the press. A guide is shown at 33 in Figure 4.

Claims 4, 32-34 and 36-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Battersby (4,274,275). See Figures 1-4 where the material 10 is successively fed between two deforming portions 26, 30, 33 so that one of the edges 16 is compressed more than the other edge 17 (see Figure 2). Clamping is performed by clamping members 25 and 26. See Figures 1-3 where the material 10 can be bent in a vertical “first direction” (Figure 2) and as a result of this bending, the material is caused to curve in a direction that is substantially perpendicular to the first direction.

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## **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 13-26, 28, 29, 31, 35 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## **RESPONSE TO APPLICANT'S COMMENTS**

Applicant's response has been carefully considered. With reference to the added limitation directed to the feature where "the deformable material is curved in a plane substantially perpendicular to the first direction", it is the examiner's position that this is shown by Cole. Viewing Figure 2, for example, the material B is deformed in a first direction, which can be described as a direction to the right of the drawing. Further, the material is also deformed annularly in the sense that the bulbous formations formed in the material B in Figure 2 also deform into and out of the Figure 2 cue to the fact that these formations extend annularly. Accordingly, the deformable material "is curved in a plane substantially perpendicular to the first direction".

With reference to the applicability of Langford against the claims, the remarks set forth above sufficiently respond to the claimed subject matter.

With respect to claim 32 and those claims depending therefrom, these claims have been examined as best understood per the indefiniteness rejection noted above. However, applicant's attention is directed to Figures 1-3 where the material is bent vertically, for example (as shown in Figure 2), in a "first direction", and curved in a horizontal direction, as viewed in Figure 1. This curved formation is substantially perpendicular to the vertical first direction.

## **FINAL OFFICE ACTION**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

## **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516** (fax **(571) 273-4516**). The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

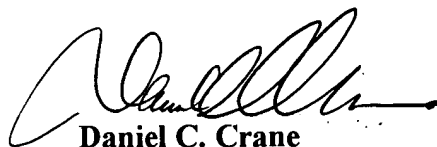
Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(571) 273-8300**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4416**.

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DCCrane  
August 21, 2005

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a stylized, flowing script.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725